

# PAUL HASTINGS

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December 18, 2024

## VIA E-MAIL

Hon. Amy Baggio  
United States District Judge  
Mark O. Hatfield United States Courthouse  
Room 1427  
Portland, Oregon 97204  
([Jennifer\\_Paget@ord.uscourts.gov](mailto:Jennifer_Paget@ord.uscourts.gov))

Re: *Cahill, et al. v. Nike, Inc.*; Case No. 3:18-cv-01477

Dear Judge Baggio:

We write in response to the Court's order at ECF No. 576 regarding the issue of expert discovery.

FRCP 26(b)(4)(A) permits parties to depose expert witnesses whose testimony may be presented at trial. Pursuant to the FRCP, Plaintiffs made their trial expert witness disclosures and provided their reports on December 10, 2024. NIKE immediately asked Plaintiffs to provide available dates for the depositions of Plaintiffs' experts, to occur before NIKE's deadline to disclose rebuttal experts on January 10, 2025. NIKE could not have taken these depositions before December 10, 2024, the date on which Plaintiffs' trial experts were disclosed and reports provided to NIKE. Plaintiffs refused to make their experts available for deposition.

Plaintiffs argue that the current expert discovery schedule does not permit both parties to take depositions of the disclosed expert witnesses before the deadline for any motions to exclude expert testimony, and, as a result, neither party should be permitted to take such depositions. To address Plaintiffs' concern, NIKE proposes that the current January 13, 2025, deadline to file motions to exclude expert testimony be extended one week to January 21, 2025,<sup>1</sup> and that both parties agree to make their expert witnesses available for deposition. All other deadlines should remain the same.

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<sup>1</sup> January 20, 2025 is a court holiday.

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Accordingly, NIKE's proposed schedule would be as follows:

Date	Item
January 10, 2025	NIKE's deadline to disclose rebuttal expert witnesses
<del>January 13, 2025</del> January 21, 2025	Deadline to file motions to exclude expert testimony
January 27, 2025	Deadline to file responses to motions to exclude expert testimony
February 3, 2025	Deadline to file optional replies to motions to exclude expert testimony

With this adjustment, NIKE should be permitted to depose Plaintiffs' experts before January 10, 2025, and Plaintiffs may take NIKE's rebuttal experts' depositions any time after January 10, 2025. NIKE's proposal allows both parties the opportunity to conduct expert discovery before filing any motions to exclude expert testimony, but briefing will conclude as originally scheduled by the Court.

Sincerely,

/s/ Felicia Davis

Felicia Davis  
of PAUL HASTINGS LLP